

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FURMAN THOMAS

Plaintiff

CIVIL ACTION

:

:

v.

NO. 23-CV-1217

:

MUGSHOTS.COM

Defendant

:

O R D E R

AND NOW, this 17th day of May, 2023, upon consideration of Plaintiff Furman Thomas' *Motion to Proceed In Forma Pauperis*, (ECF No. 6), and Complaint, (ECF No. 1) it is hereby ORDERED that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. Furman Thomas, #LP2006, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Superintendent of SCI Dalla or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Thomas's inmate account; or (b) the average monthly balance in Thomas's inmate account for the six-month period immediately preceding the filing of this case. The Superintendent or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Thomas's inmate trust fund account exceeds \$10.00, the Superintendent or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Thomas's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.
3. The Clerk of Court is **DIRECTED** to send a copy of this Order to the

Superintendent of SCI Dallas.

4. The Complaint is **DEEMED** filed.
5. The Complaint is **DISMISSED** for the reasons in the Court's Memorandum as follows:
 - a. Thomas' federal claims are **DISMISSED, WITH PREJUDICE**, for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii); and
 - b. Thomas' state law claims are **DISMISSED, WITHOUT PREJUDICE**, for lack of subject matter jurisdiction.
6. The Clerk of Court shall **CLOSE** this case.

BY THE COURT:

/s/ Nitzia I. Quiñones Alejandro
NITZIA I. QUIÑONES ALEJANDRO
Judge, United States District Court